

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In Re: April Larson,

BKY 18-31280

Debtor.

Chapter 7

**APPLICATION TO REOPEN CHAPTER 7 BANKRUPTCY**

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To: Patti J. Sullivan, Chapter 7 Trustee, the U.S. Trustee, and the other entities specified in Local Rule 5010-1:

**BACKGROUND**

1. April Larson applies for the relief requested below.
2. This Court has jurisdiction over this application pursuant to 28 U.S.C. §§ 157(a) and 1334, Bankruptcy Rule 5010 and Local Rule 5010-1. This is a core proceeding.
3. Larson filed for relief under Chapter 7 of the Bankruptcy Code on April 25, 2018 and received a discharge on August 6, 2018. The case was closed on August 21, 2018.
4. Larson moves this Court for an Order reopening her case under 11 U.S.C. § 350(b) so that she can amend Schedule A/B and Schedule C.

**UNKNOWN INTEREST IN REAL PROPERTY**

5. Larson and her husband wed on March 31, 2016.
6. Prior to their marriage, Larson's husband was the sole fee simple owner of his homestead, located at 22180 Berring Ave, Farmington, MN 55024 and legally described as "Lot 19, Block 3, Countryside Estates, situated in Dakota County, Minnesota," subject to a mortgage held by Carrington Mortgage Services, LLC.
7. Larson began living with her husband at this property upon their marriage. It became their exclusive home.

8. On August 29, 2016, Larson's husband refinanced the Carrington mortgage encumbering their home with Wells Fargo Home Mortgage.
9. While the mortgage and note remained in Larson's husband's name after the refinance, Larson's husband added Larson to the title of the home, exclusively to simplify transfer of the property to Larson in the event of his death.
10. Larson did not know that she had acquired an interest in the property through the refinance. At the time of the refinance and the time of her subsequent bankruptcy filing, Larson did not understand herself to have any present ownership interest in the property, and believed her husband to be its sole legal owner.
11. Due to personal difficulties in their relationship, Larson moved out of her home with her husband in January 2018 and began staying with her parents. These were her living circumstances at the time of her bankruptcy filing.
12. When filing bankruptcy, Larson believed the home to be titled exclusively in her husband's name. Because he had owned the property prior to their marriage, she did not believe she even had a marital interest to list as an asset.
13. She seeks to correct this error with this motion.

#### **RELIEF SOUGHT**

14. April Larson moves this Court for an Order reopening her Chapter 7 case for the purpose of amending Schedule A/B and Schedule C to include her half interest in her joint homestead occupied by her husband and located at 22180 Berring Ave, Farmington, MN 55024.

15. Due to the amount of equity in the home, Larson will amend Schedule C to use the Minnesota property exemptions. This will result in payment of non-exempt funds to the trustee.
16. UNLESS A RESPONSE OPPOSING THIS MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

Dated: 9/21/18

WALKER & WALKER LAW OFFICES, PLLC

  
Bennett Hartz (393136)

WALKER & WALKER LAW OFFICES, PLLC

4356 Nicollet Avenue South

Minneapolis, MN 55409

(612) 824-4357

*Attorneys for April Larson*

**VERIFICATION**

I, April Larson, the undersigned, declare under penalty of perjury that the above is true and correct to the best of my knowledge, information, and belief.

Executed on: 9/21/18

  
April Larson

**UNITED STATES BANKRUPTCY COURT  
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**MEMORANDUM OF LAW IN SUPPORT OF  
APPLICATION TO REOPEN CHAPTER 7 BANKRUPTCY**

**FACTS**

April Larson filed her chapter 7 Petition, Schedules, and Statement of Financial Affairs pursuant to 11 U.S.C. §301, on April 25, 2018. The court ordered a discharge order on August 6, 2018 and the case was closed on August 21, 2018.

Larson inadvertently did not list an interest in real property on her bankruptcy schedules. She believed this property belonged exclusively to her husband, who owned the property prior to their marriage and was its sole occupant at the time of her bankruptcy filing. After they wed, however, Larson's husband refinanced the mortgage encumbering the property. He instructed Larson to sign paperwork during the refinance, which she mistakenly believed made her the heir to the property should he die. In fact, he had transferred her a half interest in this real property to her, which she owned at the time of her bankruptcy filing.

**ARGUMENT**

Larson seeks a Court Order reopening her chapter 7 bankruptcy pursuant to 11 U.S.C. §350(b), Federal Rule of Bankruptcy Procedure 5010 and Local Rule 5010-1, to allow her to amend Schedules A/B and C.

11 U.S.C. § 350(b) allows the court to reopen a case to "administer assets." *In re Marshall*, 211 B.R. 662, 663 (Bankr.D.Minn 1997). A motion to reopen a bankruptcy case

should be granted only where there is a compelling reason. *In re Johnson*, 500 B.R. 594. 597 (Bankr.D.Minn. 2013)(Citing *In re Borer*, 73 B.R. 29, 31 (Bankr.N.D.Ohio 1987)). In this case the compelling reason to reopen the bankruptcy is to allow for the correction of ownership in the real property described above, which will both clarify title to the property in question and result in payment of non-exempt assets to Larson's bankruptcy estate, which will benefit both the creditors and Larson.

### CONCLUSION

Larson respectfully applies for a Court Order reopening her chapter 7 Bankruptcy, No. 18-31280.

Respectfully submitted,

DATED: September 21, 2018

WALKER & WALKER LAW OFFICES, PLLC

/s/ *Bennett Hartz*

Andrew C. Walker (392525)

Bennett Hartz (393136)

4356 Nicollet Avenue South

Minneapolis, MN 55409

(612) 824-4357

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In Re: April Larson,

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**ORDER REOPENING CHAPTER 7 BANKRUPTCY**

An application by the debtor for an Order reopening their Chapter 7 bankruptcy case has been filed and shows cause for such reopening under Fed. R. Bankr. P. 5010 and 11 U.S.C. 350(b).

**IT IS ORDERED:**

1. The case is reopened;
2. The United States Trustee may serve as trustee if authorized, or shall appoint a trustee if appropriate;
3. The clerk shall serve this order on the applicant.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge Michael E. Ridgway

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In Re: April Larson,

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**UNSWORN CERTIFICATE OF SERVICE**

I, Bennett Hartz, declare under the penalty of perjury that on September 21, 2018, I mailed copies of the foregoing Application To Reopen Chapter 7 Bankruptcy, by first class mail postage prepaid to each entity named below at the address stated below for each entity:

United States Trustee  
1015 U.S. Courthouse  
300 South 4<sup>th</sup> Street  
Minneapolis, MN 55415

Patti J. Sullivan, Trustee  
1595 Selby Avenue, Suite 205  
St. Paul, MN 55104

Creditors on the attached list

DATED: September 21, 2018

/s/ Bennett Hartz

Advantage Collection Profession PO Box 353 Cambridge MN 55008	Dakota Electric 4300 220th Street W Farmington MN 55024 9583	Northfield Hospitals & Clinics 2000 North Ave Northfield MN 55057
American Accounts and Advisers 7460 80th St S Cottage Grove MN 55016	Diversified Adjustment Service 600 Coon Rapids Blvd Coon Rapids MN 55433	Obstetrics and Gynecology Speci. 6565 France Ave #200 Edina, MN 55435
American Medical Collection Age: 4 Westchester Plaza Suite 10 Elmsford NY 10523	DS Erickson & Associates 920 2nd Ave S Suite 800 Minneapolis MN 55402	Pinnacle Recovery Inc PO Box 130848 Carlsbad CA 92013
Capital One Bankruptcy PO Box 30285 Salt Lake City UT 84130 3285	Emergency Physicians PA 5435 Feltl Rd Minnetonka MN 55343	Professional Service Bureau Inc 911 Lund Blvd Suite 100 Anoka, MN 55303-0548
CBCS PO BOX 2589 Columbus OH 43216	Enhanced Recovery 8014 Bayberry Rd Jacksonville FL 32256 7412	Quest Diagnostics 1355 Mittle Blvd Attn Patient Billing Wood Dale IL 60191
Charter Communications 16900 Cedar Avenue South Rosemount MN 55068	Fairview Health Services PO Box 9372 Minneapolis MN 55440	Reliance Recoveries PO Box 29227 Minneapolis, MN 55429
City of Carlton 3920 13th Ave E Suite 6 Hibbing, MN 55746	Fairview Ridges Hospital 201 E Nicollet Blvd Burnsville, MN 55337	RevSolve Inc MSC #600 PO Box 52163 Phoenix, AZ 85072
Comcast 9602 S 300 W Ste B Sandy, UT 84070	Great Lakes Higher Education 2401 International Lane Madison WI 53704 3192	Ridges Surgery Center 14101 Fairview Dr, Ste 400 Burnsville, MN 55337
Convergent Outsourcing Inc 800 SW 39th St Po Box 9004 Renton WA 98057	Metropolitan Anesthesia Network 14700 28th Ave N ste 120 Plymouth MN 55447	South Metropolitan Anesthesia PO Box 100 Becker, MN 55308
CU Recovery 26263 Forest Blvd Wyoming MN 55092	Minnesota Energy Resources PO Box 70022 Prescott AZ 86304-7022	Stellar Recovery Inc PO Box 48370 Jacksonville, FL 32247-8370

T-Mobile Bankruptcy Team  
PO Box 53410  
Bellevue, WA 98015

The Dental Health Center  
19645 Pilot Knob Road  
Farmington, MN 55024-7239

Verizon Wireless Bankruptcy Div  
500 Technology Drive  
Suite #550  
Weldon Spring, MO 63304

Walker & Walker Law Offices  
4356 Nicollet Avenue South  
Minneapolis, MN 55409

Wells Fargo Home Mortgage  
PO Box 10335  
Des Moines IA 50306

Wings Financial Credit Union  
14985 Glazier Avenue Suite 100  
Apple Valley, MN 55129-6539